

Exhibit 1

From: [Brown, James W](#)
To: [Ben Hutman](#); [Klein, Bradley A](#)
Cc: [Musoff, Scott D](#); [Sam Lieberman](#)
Subject: RE: Fasano v. Li -- Summary of Call re: Pre-Motion Conference
Date: Friday, September 16, 2022 3:50:21 PM
Attachments: [image001.png](#)

Defendants do not consent to your proposed motion(s).

We also must note that your purported summary is inaccurate in several respects. For example, we never “agreed to ... get back to [you] on these questions by the end of this week.” To the contrary, we specifically reminded you of the time-zone differences that could hinder our ability to confer with our client and respond by the end of the week. We therefore said that we would “endeavor” to respond, but could not provide any guarantee.

Similarly, we never acknowledged that the Demand for Arbitration was effectively served on the Respondents named therein. Instead, we merely noted that Skadden had received it from you. Skadden has not been authorized to accept such service.

Our silence on any particular point in your e-mail therefore should not be taken as agreement with anything you have stated. Indeed, if you continue to misrepresent the substance of our oral communications then we may need to communicate only in writing.

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Skadden

From: Ben Hutman <BHutman@sadis.com>
Sent: Thursday, September 15, 2022 7:08 PM
To: Brown, James W (NYC) <James.Brown@skadden.com>; Klein, Bradley A (WAS) <Bradley.Klein@skadden.com>
Cc: Musoff, Scott D (NYC) <Scott.Musoff@skadden.com>; Sam Lieberman <slieberman@sadis.com>
Subject: [Ext] Fasano v. Li -- Summary of Call re: Pre-Motion Conference

Brad and Jim,

Thank you for speaking with me and Sam yesterday. Here is our summary of our discussion.

We explained that we understood the Second Circuit to be requiring arbitration on the common-law claims and we intend to ask the District Court for a pre-motion conference to discuss moving to compel arbitration. Because Judge Failla’s rules required us to determine whether Defendants would consent to the motion before requesting the pre-motion conference we asked you for Defendants’ position on the following two issues:

1. Do Defendants consent to Plaintiffs' intended motion to compel arbitration on the common-law claims?
2. If Plaintiffs were to move to remove all of the claims to arbitration under 28 USC 1367(c) or FRCP 41(a)(2), what would Defendants' position be?

You agreed to consult with your clients and get back to us on these questions by the end of this week.

In order to efficiently follow the Second Circuit's decision and in anticipation of the motion to compel arbitration we also filed a Demand for Arbitration with the American Arbitration Association on the common-law claims. You acknowledged that this Demand was served on Skadden.

Thank you,

Ben Hutman, Partner | [Bio](#)

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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